

Arbuckle Declares He Is Vindicated

Continued from Page One
Arbuckle declared that the evidence against him was far from convincing.

Defense Witnesses Liars, Says Arbuckle Jurymoman

Mrs. Helen M. Hubbard, the jurymoman who voted steadily for Arbuckle's conviction, said: "I believe those fingerprints on the door were accurate, and it is my opinion that when Arbuckle held Virginia Rappe against that door she was injured. Right there is where I think it all happened. I don't believe his story. I think it is an entire fabrication. And I think most of the other defense witnesses are liars."

Mrs. Hubbard remained like a statue when a hopeless deadlock began to seem inevitable, the foreman of the jury instructed his associates to reason with the one obstinate member. He ordered each to take an hour for argument. Mrs. Hubbard informed them in succession that, though they argued until the 4th of July, she would not change her decision.

Mr. Kilkenny was firmly for the acquittal of Fatty until he took his turn as a persuader. Within his hour he became a firm believer in Fatty's guilt and a holder out for a verdict of guilty.

Mr. Hubbard is reported to have said over and over again, "and the fingerprints on the door and your common sense should tell you the rest."

That was yesterday morning. The court was sitting patiently in a special Sunday session and Fatty and his counsel were waiting with no lingering fear for a verdict of acquittal when the jury sent out word at noon that it was at the end of its rope and wanted to go home.

Lawyers Hardest Hit
The lawyers were hardest hit by the news of a disagreement. Charles Brown, a towering member of Arbuckle's counsel, actually wept a little and wiped his eyes without minding the spectators.

Gavin McNab was stately and for a moment seemingly dumb with chagrin and astonishment. Judge Loderbach, reminding the jury of the expense and trouble of a new trial, asked each member if it was his opinion that it was no longer responsible to reach. Each shook his head and said a verdict couldn't be reached.

The Sunday quiet of the courtroom as the scene seem dreary and somber. Fatty himself lolled in his chair at the counsel table. He had seen certain of a verdict in his favor, but he was seemingly in a mood that made a definite news seem a relief.

When suddenly he was confronted by the prospect of another trial, another facing of the whole depressing narrative of his party and his own, but none the less fearful possibility of an ultimate conviction, he accepted the outlook with an air of resignation and not without courage.

Fatty's Car Absent
His wife was in tears when, after the formalities were over, the general crowd strapped out into the streets. Fatty's amazing motorcar—it has solid silver head lamps, silver knobs and \$10,000 worth of things inside and all the comforts of home, excepting bath and elevator—was not at the curb. It lurked somewhere in a garage. It had made many futile trips to the Hall of Justice and it may have been at the curb and see before it again faced a staring mob.

But even though it was away in another place, the streets were ablaze with the flags and banners put out on Saturday for Marshal Foch and a wandering band astray from the big reception thumped blithely past.

"Good," murmured Fatty, with a wistful sort of humor. "to look around this town now you'd think they had acquitted me. What's next? Oh, yes, the Federal judge and that business about the liquor. I wonder what they'll do to me there?"

They didn't do much to Fatty in Commissioner Hayden's court. The penalty for having gin and Scotch whisky illegally in your room is a \$500 fine, and \$500 isn't much to a man who is said to have paid out \$100,000 in lawyers' fees, besides spending considerable time behind the bars of a city jail under a charge of murder.

Show Girls to Testify
But the hearing in the Federal Court this afternoon will be of some interest, nevertheless. Zey Prevoost and Alice Blake, who were guests with Virginia Rappe at the Labor Day party, and conspicuous witnesses at Fatty's trial, will make their last public appearance as witnesses for the prohibition enforcement officers.

They are presumed to know where the liquor came from that was the indirect cause of Virginia Rappe's death and the beginning of Fatty's troubles. After Judge Loderbach had dismissed the jury—and, indeed, while the case was still in session—rumors implying that the District Attorney's office was in some wicket way responsible for Mrs. Hubbard's obduracy could be heard in the air. Sometimes they were explicit and astonishing. But, like most of the other rumors that have been about

and some of us believed him innocent, but we all believed that not enough proof of guilt had been brought forward to justify a verdict of guilty. We remembered what the Court had said about the element of doubt. The nervous strain was terrible. We all argued with Mrs. Hubbard and Mr. Kilkenny. At last Mr. Kilkenny would not say anything at all beyond remarking that he had talked with Mrs. Hubbard and had seen the justice of her point of view and that Arbuckle must be declared guilty."

It was Miss Winterburn who seemed to have suffered most by the physical and mental stresses of the long hours of wrangling and condemnation after the jury retired last Friday afternoon at 4:30 o'clock.

"I hardly knew what to do," she said. "Sometimes I believed him innocent, and then again I believed him guilty. I cast one ballot for conviction. That night it worried me greatly because I felt that I had done wrong. I would get away with that thought in my mind. I was not convinced of his guilt of the crime charged against him. The next day I changed my vote and ballot and voted for acquittal and felt better because I was more sure I had done what was right."

Arthur H. Crane, another juror, said the case had been argued from every angle and that all of those who stood out for acquittal had argued without avail with Mrs. Hubbard and Mr. Kilkenny.

Jury's Wild Times
"Mrs. Hubbard," said Mr. Crane, "seemed to be the deciding factor. The others who were not for acquittal from the first night had been won over, but she seemed to have a fixed opinion that nothing could alter."

"We had some wild times," said Mrs. Dorothy O'Dea, the fourth woman juror, "and I'm glad it is over. There would have been a verdict of acquittal if it had not been for Mrs. Hubbard."

Last night Mr. McNab changed his opinion about statements from the counsel for the defense. From his office, where Fatty and the lawyers had spent some hours together, there was issued a strong proclamation—Fatty Arbuckle's appeal to humanity.

It is not quite like any other public statement ever issued. It carried Fatty's signature in full, and it begins: "But for one woman on the jury—thirteen representative American men and women—who refused to allow her fellow-jurors to discuss the evidence or reason with her, and who would not give any explanation of her attitude, my trial would have resulted in an immediate acquittal."

And it ends: "The undisputed and uncontradicted testimony established that my only connection with this sad affair was one of a merciful service and the fact that ordinary human kindness should have brought upon me this tragedy had seemed a cruel wrong. I have sought to bring joy and gladness and merriment into the world, and why this great misfortune should have fallen

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WILL MAKE PROBE OF WOMAN'S CHARGE

San Francisco, Calif., Dec. 5.—(By A. P.)—Collateral issues were to the fore today in the affairs of Bonese Arbuckle, the jury which tried him on a manslaughter charge having disagreed and been discharged yesterday.

Foremost of the three groups of circumstances attracting public interest to the motion-picture comedian was the charge made by Mrs. Helen M. Hubbard, one of the jurors who tried him on charges arising from the death of Virginia Rappe, that attempts had been made at her intimidation.

"U'Ren announced the whole matter would be laid before the Grand Jury tonight. The Federal charge against Arbuckle, based on the allegation of illegal transportation of liquor drunk at the party in the Hotel St. Francis, was set for hearing today.

Charges of perjury against Mrs. Minnie Neighbors, of Los Angeles, a witness called by the defense in Arbuckle's manslaughter trial, also were set for hearing today.

In addition to all these, last night's intimation by Milton Cronin, member of Arbuckle's counsel, that the defense had "something up its sleeve" and was prepared to "let it come down" today, came in for comment.

U'Ren said that Mrs. Hubbard told him, the bailiff who had charge of the jury, and a number of reporters that

two men approached her husband, T. W. Hubbard, with a view to having him use his influence to have her charge her vote.

Hubbard, U'Ren declared, had told him Gus Oliva, a commission merchant, approached him Sunday night by telephone, asking that he send his wife a note urging that she change her vote from "guilty" to "not guilty."

Hubbard said he asked how such a note could be sent to a member of a jury, and said Oliva replied: "Just give the note to a member of the Sheriff's office."

Sunday morning, Hubbard's statement continued, a friend of Oliva notified him that if he did not urge Mrs. Hubbard to vote for Arbuckle's acquittal Oliva would ruin him. Hubbard is an attorney. How Oliva was to carry out the alleged threat was not made clear.

Other charges of attempted intimidation were made by Mrs. Hubbard against some of the men jurors, and particularly against August Fritze, foreman of the jury.

Fritze, according to Mrs. Hubbard, used abusive language to her, as did other men jurors, in their attempts to induce her to change her vote which denuded the jury for many hours.

"The entire case in the jury room was the trial of the District Attorney's office, rather than the trial of Arbuckle," Mr. Hubbard said last night.

Jasper to Head Belgian Cabinet Brussels, Dec. 5.—H. Canton de Wiert, the Premier, having declined to reconstitute the Belgian Cabinet, King Albert has requested M. Jasper, the Foreign Minister, to assume the task.

LITTLE BENNY'S NOTE BOOK By Lee Pope

Ma had company in the parlor this afternoon and I was just starting to settle when he came in. And I kept on looking at him and waiting, and he said, "Well, you can run along and play, Benny."

Me thinking, Good nite, holey smoke, G, wat you know about that. And I went out and shut the parlor door and made insulting faces thro' the key hole and then I remembered I had a pencil needed sharpening so I went and got it and sharpened it on Mr. Beeby's hat.

Me thinking, Heck, wat for? And I went in the parlor and some man was setting on the sofa, being a middle size man with such a bald head it was fierce to look at, me thinking, Holey smoke I wouldn't want to be a fly and slip on top of that.

Mr. Beeby, this is Benny, you havent seen him since he was a baby, sed, and Mr. Beeby sed, Well well, he's quite changed, how are you, Benny? All rife, I sed, and he sed, Are you a good boy or a bad boy?

Good, I sed, and he sed, Thats nice, and do you spend your pennies foolishly or do you put them aside carefully and save them? I save them, some of them, sometimes, I sed, Not saying how long I save them, and thinking, G, he's going to give me some. And Mr. Beeby sed, Well if I gave you a dime, wat would you do, spend it or save it?

Save it, I sed, Not saying how long and thinking G hercy, and he sed, Thats rite, always save, a penny saved is a penny earned. And he started to rub his hand over his bald head as if he

BRITISH NAB LAJPAT RAI

"Non-Co-operator" Opposed Welcoming Prince of Wales to India Lahore, Dec. 5.—Lala Lajpat Rai, the Nationalist leader, who in August presided over a meeting which passed resolutions not to welcome the Prince

of Wales on his visit to India, was arrested here yesterday while conducting a political meeting.

Lajpat became notorious as the leader of the troubles in the Punjab in 1907. He was deported and subsequently lived for some years in America, where he wrote numerous books dealing with national political movements in India. He was allowed to return to India after the armistice and has been closely associated with Mahatma Gandhi, the Nationalist leader.

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